

XEROX

RECEIVED
CENTRAL FAX CENTERFAX COVER SHEET

DEC 21 2005

DATE: December 21, 2005

PLEASE DELIVER TO:

TO: Examiner Peter K. Huntsinger
United States Patent & Trademark Office

FAX NO.: (571) 273-8300

FROM: William F. Eipert

PHONE NO.: (585) 422-4037

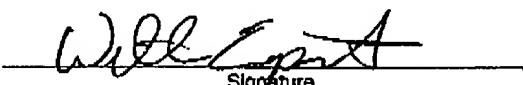
FAX NO.: (585) 231-5540

PAGES TO FOLLOW (INCLUDING COVER SHEET):

6

SPECIAL INSTRUCTIONS OR SUPPLEMENTAL MESSAGE:

Application No.: 09/888,668
Notice of Appeal and Pre-Appeal Brief Request
For Review

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) A1265-US-NP	
CERTIFICATE OF TRANSMISSION I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office Fax No. (571) 273-8300 on <u>12/21/2005</u> Signature  Typed or printed name <u>William F. Eipert</u>		Application Number 09/888,668 First Named Inventor Meng Yao Art Unit: 2624 Customer Number: 25453	Filed June 25, 2001 Examiner Peter K. Huntsinger
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.			
This request is being filed with a notice of appeal.			
The review is requested for the reason(s) stated on the attach sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input checked="" type="checkbox"/> Attorney or Agent of record. Registration number <u>39,664</u>			
 <u>William Eipert</u> Typed or Printed name			
<u>585-422-4037</u> Telephone Number			
<u>12/21/2005</u> Date			
<input type="checkbox"/> Total of _____ forms are submitted. 305-3568			

11/2005

Arguments to be Considered by Pre-Appeal Brief Conference Panel

Claims 1, 2, and 9 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,597,813 to Stanich et al. ("Stanich"). This rejection under 35 U.S.C. §102(e) over Stanich is respectfully traversed.

Applicant respectfully submits that the Examiner has failed to set out a *prima facie* case of anticipation of claims 1 and 9 as Stanich fails to teach or suggest each of the elements of Applicant's claims 1 and 9.

Stanich fails to teach the stochastic screen constrained to a checkerboard pattern in the manner set out in claims 1 and 9

Both claims 1 and 9 require, in part, a stochastic screen comprising a set of threshold values, wherein substantially all the threshold values corresponding to gray levels between g_{s1} and g_{s2} coincide with black positions in a constraining checkerboard pattern and substantially all the threshold values corresponding to gray levels between g_{s2} and g_{s3} coincide with white positions in the constraining checkerboard pattern, wherein $g_{s1} > g_{s2} > g_{s3}$. Stanich does not teach or suggest such a stochastic screen.

The Applicant has noted that the above lack of teaching. In response the Examiner simply notes that Stanich teaches a visually pleasing or blue noise screen and that Stanich teaches a checkerboard pattern as one possible periodic pattern. However, the Examiner has not identified any teaching within Stanich for Applicant's claimed stochastic screen. In support the examiner points to the following teaching "the patterns P_i are (possibly periodic) patterns which look pleasant" and that "For example, one of the patterns could be where the black pixels are arranged in a checkerboard pattern." These teachings fail for two reasons: (1) one of skill in the art would not consider a stochastic screen to be a "possibly periodic" pattern and (2) a pattern "where the black pixels are arranged in a checkerboard pattern" cannot be said to teach using a constraining checkboard pattern as claimed for placing thresholds of a stochastic screen.

Application No. 09/775,367

Even if it could be said, as the examiner alleges, that "black pixels arranged in a checkerboard pattern" teach a subset of a checkerboard pattern (e.g., a black dither of less than 50%), placing pixels on white squares for black dithers of less than 50% as required by claims 1 and 9 (as well as dependent claims 2-4 and 10-15) is inconsistent with a checkerboard pattern and, thus, Stanich teaches away from the claimed invention.

Stanich and Chen fail to teach or suggest the blue noise screen with constraining checker board as in claim 6

Claims 3 - 6, 7, 8, and 10 - 15 under 35 U.S.C. §103(a) as being unpatentable over Stanich in view of U.S. Patent No. 4,668,995 to Chen et al. ("Chen"). This rejection under 35 U.S.C. §102(e) over Stanich is respectfully traversed.

Applicant respectfully submits that the Examiner has failed to set out a *prima facie case of obviousness* as Stanich and Chen fail to teach or suggest each of the elements of Applicant's claims 3 - 6, 7, 8, and 10 - 15.

Stanich and Chen fail to teach or suggest an "initial screen pattern being designed to provide a visually pleasing, blue noise dot pattern when thresholded and wherein substantially all black pixels in the initial screen pattern correspond to black pixels in a constraining checkerboard pattern" The examiner relies solely on Stanich for such teaching. However as described above, Stanich simply does not suggest such a screen. Again, the examiner simply points to a teaching of a blue noise screen and the use of a checkerboard pattern as a possible periodic pattern. However, the examiner has not identified and the cited art combination simply does not teach or suggest visually pleasing, blue noise dot pattern wherein substantially all black pixels in the visually pleasing, blue noise dot pattern correspond to black pixels in a constraining checkerboard pattern.

Application No. 09/775,367

Stanich and Chen fail to teach or suggest changing the constraining criteria at the gray levels claimed.

The examiner notes that Stanich does not disclose expressly a specific percent black dither that correspond to the first, second or third gray levels of the claims but that it would have been obvious to a person of ordinary skill in the art to assign thresholds between a first gray level, second gray level and third gray level to the values claimed because Chen discloses that such gray levels exist. Chen makes no mention of changing constraining criteria. Chen simply does not teach or suggest changing constraining criteria of any kind at any gray level.

Respectfully submitted,



William Eipert
Attorney for Applicant
Registration No. 39,664
Telephone (585) 423-2520

December 21, 2005
Xerox Corporation
Xerox Square 20A
Rochester, New York 14644